

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ESTHER OREGON, an individual, and
dba MEX TAX SERVICE,
Defendant.

Case No. 1:21-cv-00461-JTL-BAM
ORDER REFERRING MATTER TO
FEDERAL DEFENDER'S OFFICE

On February 2, 2022, this Court granted the parties' joint motion for entry of judgment and permanent injunction against Defendant Esther Oregon, both individually and doing business as Mex Tax Service, barring Defendant from acting as a tax return preparer. (Docs. 15, 16.) On April 28, 2022, the United States filed a request for an order to show cause why Defendant should not be held in civil contempt for failing to comply with the permanent injunction. (Doc. 17.) As part of its request for an order to show cause, the United States suggests the following sanctions would be appropriate: disgorgement of the \$60,000 in fees Defendant earned in violation of the permanent injunction; and an award of attorney's fees and expenses to the United States. (Doc. 17-1 at 6-7.)

On May 3, 2022, the Court granted the government's request; issued an order to show cause; ordered Defendant to file a written statement addressing certain questions; and ordered Defendant to personally appear on May 26, 2022, at 10:00 a.m. (Doc. 18.) On May 5, 2022, at the government's request due to a scheduling conflict, the May 26, 2022, hearing was continued to

1 June 16, 2022. (*See* Doc. 19.)

2 On May 31, 2022, Defendant filed a motion to appoint counsel in which she asserted that
3 she “can’t afford legal representation.” (Doc. 24.) On June 7, 2022, the United States filed an
4 objection to the appointment of counsel to the extent doing so will delay these proceedings. (Doc.
5 25.) On June 9, 2022, the Court denied without prejudice the request for counsel. (Doc. 26.)

6 On June 16, 2022, the Chief District Judge Kimberley J. Mueller presided over the
7 contempt proceedings and took the testimony of one government witness. Before swearing
8 Defendant as a witness, Judge Mueller inquired of the need for any Fifth Amendment
9 advisements. (Doc. 31 (Hearing Transcript (“Tr”)) at 16–17.) Further discussion between the
10 Court and the parties, which included the government confirming that it would not rule out future
11 criminal prosecution of Defendant, resulted in the Court continuing the hearing and calling for
12 further briefing. (*Id.* at 18–28.) Those briefs have now been filed. (Docs. 32, 33.)

13 Upon further consideration of the entire case, including the potential for Defendant to
14 make incriminating statements during testimony before this Court, the Court has determined it is
15 appropriate to refer this matter to the Federal Defenders for appointment of counsel for Defendant
16 in connection with the pending contempt proceedings.

17 The Clerk of the Court is directed to forward a copy of this order to Assistant Federal
18 Defender Eric Kersten (Eric_Kersten@fd.org) and Panel Administrator Connie Garcia
19 (Connie_Garcia@fd.org).

20
21 IT IS SO ORDERED.

22 Dated: **August 10, 2022**


UNITED STATES DISTRICT JUDGE